

Message Text

UNCLASSIFIED

PAGE 01 STATE 237952
ORIGIN NRC-07

INFO OCT-01 EUR-12 NEA-10 ISO-00 OES-07 /037 R

DRAFTED BY USNRC:JDLAFLEUR,JR
APPROVED BY OES/NET/IM: D B HOYLE
EUR/RPE: R HOMME (INFO)
NEA/IAI: M G ANDERSON (INFO)
NEA/EGY: G BEYER (INFO)
-----027015 032223Z /64

O 032157Z OCT 77
FM SECSTATE WASHDC
TO AMEMBASSY LONDON IMMEDIATE
AMEMBASSY TEL AVIV IMMEDIATE
AMEMBASSY CAIRO IMMEDIATE

UNCLAS STATE 237952

PSE PASS TO COM KENNEDY, EDO GOSSICK, J.R.SHEA,NRC VISITORS

E.O. 11652:N/A

TAGS: TECH, UK, IS

SUBJECT:BRIEFING MATERIAL FOR VISITING NUCLEAR REGULATORY
COMMISSIONERS

TEL AVIV PSE PASS TO COM GILINSKY, NRC VISITOR (ALSO CAIRO)

1. SUMMARY: EMBASSY SCIATTS REQUESTED TO PASS FOLLOWING
DETAILED INFORMATION ON RECENT NUCLEAR DEVELOPMENTS TO NRC
COMMISSIONERS KENNEDY AND GILINSKY SOONEST. END SUMMARY.

2. FOLLOWING IS SHORTENED TEXT OF NEWS ARTICLE CARRIED
OCTOBER 2 IN N.Y. TIMES. SIMILAR STORIES APPEARED OCTOBER 1
IN WASHINGTON POST AND STAR: "U.S. PANEL ACCUSED OF SECRECY
ON FAULT UNDER NUCLEAR UNIT."

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 237952

3. THE JUSTICE DEPARTMENT HAS CHARGED THAT HIGH-RANKING
OFFICIALS IN NRC COVERED UP (FOR ALMOST THREE MONTHS)
INFORMATION ON GEOLOGIC FAULT UNDER NORTH ANNA.

4. ALLEGATION WAS MADE IN A JUSTICE DEPARTMENT REPORT
(WRITTEN BY BRADFORD F. WHITMAN, ASSISTANT CHIEF OF THE

JUSTICE DEPARTMENT'S POLLUTION CONTROL SECTION) EXPLAINING WHY VEPKO COULD NOT BE PROSECUTED FOR CONCEALING ITS INFORMATION ABOUT THE FAULT.

5. ALTHOUGH IT HAS BEEN ESTABLISHED THAT THE FAULT DOES NOT POSE A HAZARD, JUSTICE SAID THAT, AT THE TIME THE COMMISSION OFFICIALS FAILED TO ALERT THE LICENSING PANEL THAT HAD THE POWER TO HALT CONSTRUCTION, POTENTIAL DANGER OF FAULT HAD NOT BEEN DETERMINED.

6. THE JUSTICE REPORT SAID CHANCE OF SUCCESSFUL CRIMINAL PROSECUTION OF THE POWER COMPANY WAS REMOTE BECAUSE REGULATORY COMMISSION STAFF, AS WELL AS UTILITY, HAD CONCEALED THE EXISTENCE OF THE FAULT UNTIL IT WAS DISCLOSED BY A GROUP OPPOSED TO NUCLEAR POWER.

7. THE DECISION NOT TO PROSECUTE, JUSTICE SAID, IS DICTATED LARGELY BY THE ACTIONS OF THE COMMISSION ITSELF WHICH IN THEIR BEST LIGHT CAN BE CHARACTERIZED AS ILL-CONSIDERED AND INEPT, AND PERHAPS MORE REALISTICALLY, AS DEMONSTRATING A PERVASIVE BIAS AGAINST THE PUBLIC SCRUTINY WHICH A PROJECT OF THIS IMPORTANCE DESERVES AND IS ENTITLED TO UNDER FEDERAL LAW.

8. NRC SPOKESMAN SAID THE COMMISSION HAD NOT SEEN THE JUSTICE MEMO AND COULD NOT COMMENT. A SPOKESMAN FOR VEPKO UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 237952

SAID THE COMPANY ALSO HAD NOT SEEN THE REPORT, BUT MOORE, THE UTILITY'S PRESIDENT, RESPONDED THAT NEITHER VEPKO NOR ITS EMPLOYEES MADE ANY ATTEMPT TO CONCEAL INFORMATION OF ANY KIND.

9. THE REPORT WAS MADE PUBLIC BY PETER F. FLAHERTY, DEPUTY ATTORNEY GENERAL, IN RESPONSE TO FOIA. MR.FLAHERTY SAID THAT ALTHOUGH THE REPORT WAS EXEMPT FROM MANDATORY RELEASE, HE HAD DETERMINED THAT THE PUBLIC INTEREST REQUIRED RELEASE IN THIS CASE.

10. AFTER THE PUBLIC DISCLOSURE OF THE FAULT IN 1973 BY MRS. JUNE ALLEN, HEAD OF THE NORTH ANNA ENVIRONMENTAL COALITION, THE NRC CHARGED VEPKO WITH MAKING "MATERIAL FALSE STATEMENTS" ABOUT THE FAULT AND FINED THE UTILITY \$32,500. AN APPEAL BY VEPKO IS NOW PENDING IN THE COURTS.

11. JOHN O'LEARY WAS IDENTIFIED AS ONE OF THE STAFF MEMBERS WHO KNEW OF THE FAULT. ACCORDING TO THE JUSTICE MEMO, "ALL WITNESSES AGREE THAT O'LEARY STATED THAT THE ASLB SHOULD BE NOTIFIED BUT LEFT IT TO THE OTHERS AS TO HOW AND WHEN TO DO IT." THE REPORT SAID THAT THE KEY COMMIS-

SION OFFICIAL RESPONSIBLE FOR THE LACK OF INFORMATION TO THE LICENSING PANEL WAS EDWARD (SIC) CASE, FORMERLY DEPUTY DIRECTOR OF NUCLEAR REACTOR REGULATION, NOW ACTING DIRECTOR OF THIS DIVISION. MR. CASE COULD NOT BE REACHED FOR COMMENT. END ARTICLE.

12. NRC OFFICE OF PUBLIC AFFAIRS, WHEN CONTACTED 10/3/77 A.M., INDICATED THAT NO RESPONSE IS BEING PREPARED. NRC WAS NOT, REPEAT NOT, GIVEN PRIOR NOTIFICATION OF THE JUSTICE DEPARTMENT RELEASE, AND WAS NOT PROVIDED COPIES OF WHITMAN'S MEMO UNTIL MONDAY, OCTOBER 3. IT SHOULD BE NOTED THAT THE COMMISSION (COMMISSIONER KENNEDY PARTICIPATING) ALSO CRITICIZED THE NRC STAFF PROCEDURE IN ITS RELEASE OF NOVEMBER 12, 1976, ANNOUNCING THE IMPOSITION
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 237952

OF THE \$32,500 VEPCO FINE.

13. "NUCLEONICS WEEK" REPORTS THAT SIR JOHN HILL HAS BEEN ASKED BY ENERGY SECRETARY ANTHONY WEDGWOOD BEN TO SERVE A THIRD TERM AS UKAEA CHAIRMAN. HIS PRESENT FIVE-YEAR TERM EXPIRES OCTOBER 15. SIR JOHN IS EXPECTED TO ACCEPT THE OFFER.

14. U.S. ENERGY LEGISLATION REMAINS STALLED BY FILIBUSTER ON SENATE FLOOR. NON-PROLIFERATION BILL CANNOT BE CONSIDERED BY SENATE UNTIL FILIBUSTER IS OVER.

15. IP WILL ADVISE COMMISSIONERS OF ANY FURTHER DEVELOPMENTS. CHRISTOPHER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR ENERGY, BRIEFING MATERIAL, VISITS
Control Number: n/a
Copy: SINGLE
Sent Date: 03-Oct-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE237952
Document Source: CORE
Document Unique ID: 00
Drafter: JDLAFLEUR,JR
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770360-0570
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197710100/aaaadhpw.tel
Line Count: 150
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b561a423-c288-dd11-92da-001cc4696bcc
Office: ORIGIN NRC
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 736553
Secure: OPEN
Status: NATIVE
Subject: BRIEFING MATERIAL FOR VISITING NUCLEAR REGULATORY COMMISSIONERS TEL AVIV PSE PASS TO COM GILINSKY, NRC
VISITOR (AL
TAGS: TECH, UK, IS, US, NRC
To: LONDON TEL AVIV MULTIPLE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/b561a423-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009